

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

THE UNITED STATES for the use of  
GMW Fire Protection, Inc., an Alaska  
Corporation,

Plaintiff,

vs.

KANIG'IQ CONSTRUCTION CO.,  
INC., an Alaska Corporation, and  
WESTERN SURETY COMPANY, a  
South Dakota Corporation,

Defendants.

Case No. A05-170 CI (TMB)

**AFFIDAVIT OF COUNSEL**

STATE OF ALASKA )  
) ss.  
THIRD JUDICIAL DISTRICT )

LAURA S. GOULD, being first duly sworn, deposes and states:

1. I am an attorney with the law firm of Eide & Gingras, P.C., counsel for Defendants, KANAG'IQ CONSTRUCTION CO., INC. and WESTERN SURETY COMPANY, in the above-referenced action.

2. On December 11, 2007, Sarah Tugman, counsel for Plaintiff GMW Fire Protection, Inc., informed me she would be on vacation from approximately December 22, 2007 through January 1, 2008. Ms. Tugman suggested this office draft proposed joint trial documents prior to her departure to accommodate her vacation schedule.

3. At that time I informed Ms. Tugman that this office was unable to accommodate her vacation schedule because of its work schedule.

4. On January 2, 2008, at approximately 9:00 a.m., I telephoned Ms. Tugman in an effort to meet today to discuss joint jury instructions, a joint special verdict form, and joint voir dire questions, pursuant to the Court's Pre-Trial Order.

5. Ms. Tugman informed me that she has other appointments today and her day "is already planned out." She further informed me that unless she received our draft jury instructions within the next hour she would file her jury instructions, special verdict form, and voir dire questions independently.

6. I made a good faith effort to schedule a meeting with Ms. Tugman to arrive at joint trial documents to comply with the Court's Pre-Trial Order regarding joint jury instructions, a joint special verdict form, and joint voir dire questions.

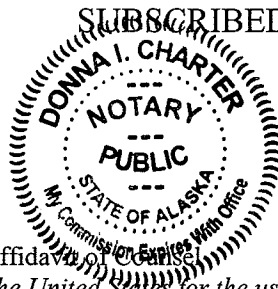
7. Due to Ms. Tugman's vacation schedule and her unwillingness to meet today, this office is submitting its documents independently.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED at Anchorage, Alaska this 2<sup>nd</sup> day of January 2008.

By: Laura S. Gould  
Laura S. Gould

SUBSCRIBED and SWORN to before me this 2<sup>nd</sup> day of January 2008.



Donna I. Charter  
Notary Public for the State of Alaska  
My Commission Expires: 10/15/11